

SD:JPL
F. #2018R00178

18M145

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

YANKI MISUEL CRUZ-MATEO,
also known as "Yenki Misael Cruz
Mateo," "Yankee Mateo"
and "Doggy,"

SEALED AFFIDAVIT
IN SUPPORT OF AN
APPLICATION FOR
AN ARREST WARRANT

(Title 18, U.S.C. § 922(g)(5)(A))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MARTHA BELTRAN, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, in or about and between October 2017 and February 2018, within the Eastern District of New York and elsewhere, the defendant YANKI MISUEL CRUZ-MATEO, also known as "Yenki Misael Cruz Mateo," "Yankee Mateo" and "Doggy," then being an alien who was illegally and unlawfully in the United States, did knowingly and intentionally possess in and affecting interstate and foreign commerce a firearm, to wit: a .380 caliber semiautomatic pistol and ammunition.

(Title 18, United States Code, Section 922(g)(5)(A))

The source of your deponent's information and the grounds for her belief are as follows:¹

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been for approximately 13 years. My official duties and responsibilities include conducting and assisting in investigations into the activities of individuals and criminal groups responsible for, among other things, engaging in racketeering and criminal enterprise and gang activity and illegal firearms trafficking and possession. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation; from my review of documents, records and reports; and from reports from and discussions with other law enforcement officers involved in the investigation.

2. The FBI has been investigating members of the violent street gang 18th Street, which is comprised primarily of immigrants from Central America and Mexico with members located throughout Queens, New York, and elsewhere, divided into local chapters or "canchas." 18th Street canchas regularly engage in murder, assault, robbery and other violent crimes, as well as narcotics and human trafficking. Members of 18th Street are expected to commit acts of violence, including murder and assault, in order to maintain or increase their position in the gang.

3. La Mara Salvatrucha ("MS-13") is a rival violent street gang comprised primarily of immigrants from Central America, also with members located throughout

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware. Where I describe the statements of others herein, I do so only in sum and substance, and in part, unless otherwise indicated.

Queens, New York, and elsewhere, divided into local chapters or “cliques.” 18th Street and MS-13 have an ongoing rivalry that has resulted in various historical acts of violence.

4. Among other things, I am involved in the investigation of members and associates of 18th Street, including the defendant YANKI MISAELO CRUZ-MATEO, for the February 2, 2018 shooting and murder of a suspected member of the rival MS-13 gang.

5. In or about October 2017, a confidential source (“CS-1”)² received a series of WhatsApp³ text and multimedia messages from a cellular device number ending 0320 used by the defendant YANKI MISAELO CRUZ-MATEO (the “Cruz-Mateo Phone”).

6. One such message includes an approximately 1 minute and 44 second video (the “Rap Video”). The Rap Video appears to have been recorded inside a well-lit residential apartment and depicts the defendant YANKI MISAELO CRUZ-MATEO sitting on a bed rapping while wearing a black tank top. In the Rap Video, CRUZ-MATEO raps, in part, the following:⁴

The eighteen 502 from Guatemala, if you don’t like it get out.
The X with “Pala,”

² CS-1 was charged with misdemeanor assault in June 2017. S/he has held a leadership position in an 18th Street cancha. CS-1 is currently located within the United States illegally (*i.e.*, without legal immigration status). S/he has been providing information to the FBI in connection with this investigation in exchange for monetary compensation.

³ WhatsApp is a mobile messaging application and an alternative to traditional cellular text and multimedia message service. WhatsApp allows users to send text messages, audio messages, video messages, and location information between mobile devices. Each WhatsApp account has a unique identifier that consists of the telephone number of the mobile device on which the WhatsApp application is downloaded and installed. In other words, messages transmitted to or from the WhatsApp account bearing the same cellular device call number as the Cruz-Mateo Phone are also associated with the Cruz-Mateo itself.

⁴ The Rap Video is in the Spanish language. Even though I am fluent in Spanish, where I describe CRUZ-MATEO’s statements in the Rap Video, I am doing so based on a draft verbatim translation provided by a qualified FBI Spanish language linguist.

To all the fucking rivals, it goes like this:

Let me introduce myself, I represent the 18th street. I throw out the X with the word from Guatemala, killing the rivals, chopping all of them to pieces. Shooting at them, you know, with my gun and with my machete I will chop them all up. I will remove the brains of all of them. Those asshole rivals already know the X with "Pala," from El Salvador, Honduras, Guatemala and even in Spain, we are controlling and the assholes killing. You know the X is controlling and is in charge and we keep galloping. The dogs are showing their signs, we are not playing. We are dismembering those bitches. In New York and the whole world we are controlling and showing them who shows the signs, show who is in charge, who is still controlling hard, Las Vegas and the rivals . . . are worthless. Those assholes will pay, they are always going to be worthless. We are in the game killing the rivals shooting them up with the bullets from the gun.

During the course of the Rap Video, the defendant YANKI MISAEL CRUZ-MATEO also appears to display gang signs with his hands, brandishes what appears to be a Cobra CA-380 semi-automatic handgun (the ".380 Handgun"), and mimics the act of discharging the .380 Handgun.

7. As part of the investigation, one or more still images of the Rap Video depicting the .380 Handgun were provided to an FBI Special Agent, who is also a certified firearms instructor, and to a representative of the manufacturer of the Cobra CA-380. Both have independently reviewed the above-described depictions of the .380 Handgun and, based on their training and experience, both of them believe that the .380 Handgun is a Cobra CA-380 (or a nearly identical predecessor version of that same firearm, a Davis Industries P-380).⁵ Based on conversations with the FBI certified firearms instructor and with the

⁵ These firearms were also manufactured in .32 caliber versions that appear nearly identical.

manufacturer's representative, I know that the Cobra CA-380 and the David Industries P-380 as well as their .32 caliber format counterparts were all manufactured outside the State of New York.

8. In or about the evening of February 2, 2018, an individual (the "Victim"), whose identity is known to the FBI, was discovered within the vicinity of the intersection of 160th Street and 85th Avenue in the Jamaica Hills section of Queens, New York. The Victim had approximately three gunshot wounds to the head and lower abdomen region. Shortly after being discovered, the Victim was transported to a nearby hospital where he was pronounced dead.

9. During the investigation of the shooting, the New York City Police Department ("NYPD") recovered from the crime scene, among other evidence, approximately three .380 caliber shell casings (the ".380 Shell Casings").

10. On or about February 5, 2018, CS-1 received a series of WhatsApp text and multimedia messages from the Cruz-Mateo Phone. In the messages, CRUZ-MATEO admitted to shooting the Victim more than once because he (the Victim) was a member of the rival MS-13 gang.

11. Further, based on my conversations with the FBI certified firearms instructor and on my own training and experience, I know that the Cobra CA-380 and the Davis Industries P-380 are designed to fire .380 caliber ammunition, like the .380 Shell Casings.

12. In addition, based on information relating to the cell towers used by the Cruz-Mateo Phone, which was obtained pursuant to a search warrant, the Cruz-Mateo Phone was located within the Jamaica Hills area when the Rap Video was sent as described above.

Further based on that information, and on the review of information contained within law enforcement databases and on my training and experience, I believe that the defendant YANKI MISael CRUZ-MATEO's residence was located within the vicinity of the same neighborhood where the Victim was shot and killed on February 2, 2018.

13. Based on queries of law enforcement databases and after consultation with immigration and naturalization authorities, the defendant YANKI MISael CRUZ-MATEO is believed to be a Guatemalan native who, as of February 2, 2018 was illegally or unlawfully in the United States and remains so today.

WHEREFORE, your deponent respectfully requests that the defendant YANKI MISael CRUZ-MATEO, also known as "Yenki Misael Cruz Mateo," "Yankee Mateo" and "Doggy," be dealt with according to law.

IT IS FURTHER REQUESTED that, because public filing of this document at this time could result in a risk of flight by the defendant, as well as jeopardize the

government's investigation or the lives and safety of witnesses and law enforcement officers, all papers submitted in support of this application, including the complaint and arrest warrant, be sealed until further order of the Court.

Dated: Brooklyn, New York
February 15, 2018



MARTHA BELTRAN
Special Agent
Federal Bureau of Investigation

Sworn to before me this
15th day of February, 2018



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